

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23103 of 2025

Arising Out of PS. Case No.-672 Year-2023 Thana- GHORASAHAN District- East
Champanan

=====

Dineshwar Rai @ Dineshwar Era S/O Jagat Narayan Rai R/O Village- Balua
Regania, P.S- Jitna, Distt.- East Champanan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Cheta Rai S/o Sri Suraj Rai R/o Vill. - Balua Ragania, P.S. - Jitna, Dist- East
Chamaparan

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-05-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323
and 307 of the Indian Penal Code as well as Section 4 of the
POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases.

4. It is next submitted that the instant FIR arises from
Complaint Case No. 192 of 2023. It is further submitted that
complainant/informant initially had instituted the aforesaid
complaint case in the Court of learned District and Sessions
Judge-VI, East Champanan at Motihari under Sections 341, 323



and 307 of the Indian Penal Code as well as Section 4 of the POCSO Act. It is next submitted that the complaint was sent to the concerned police station for instituting an FIR based on which the instant FIR came to be instituted.

5. Learned counsel for the petitioner submits that even the FIR was instituted under Sections 341, 323 and 307 of the Indian Penal Code as well as Section 4 of the POCSO Act. Learned counsel further submits that the police during the course of investigation gave benefit of Section 41(1)(b) of the Cr.P.C. to the petitioner and the petitioner cooperated during the course of investigation and the police never felt the need of arresting the petitioner. It is next submitted that the police after threadbare investigation came to a considered conclusion that offence under Section 307 of the Indian Penal Code and Section 4 of the POCSO Act is not made out as such submitted charge-sheet under Sections 341, 323, 504 and 34 of the Indian Penal Code as would manifest from Final Form No. 31 of 2024 dated 07.04.2024 but then the learned trial court differing with the police report took cognizance of offence under Sections 341, 323, 504 and 377/34 of the Indian Penal Code as well as Section 4 of the POCSO Act, thus, the petitioner apprehends his arrest.

6. Learned counsel for the petitioner submits that



when one Investigating Agency after threadbare investigation came to a considered conclusion that offences in the nature of allegation and investigation are made out under bailable section whether it would be prudent for this Court to send the petitioner to jail based on an order of cognizance based on the same police report which did not find the case true under Section 377 of the Indian Penal Code and Section 4 of the POCSO Act. It is submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Ghorasahan (Jitna) P.S. Case No. 672 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, if the learned trial court comes to a



conclusion that petitioner, after his release on anticipatory bail, is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

